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**ATTORNEYS FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**HELENA DIVISION**

<b>UNITED STATES OF AMERICA,</b>	<b>CR 24-26-H-BMM</b>
<b>Plaintiff,</b>	
<b>vs.</b>	<b>OFFER OF PROOF</b>
<b>BRYANT NICHOLAS ESPINOZA,</b>	
<b>Defendant.</b>	

**THE CHARGE**

The defendant, Bryant Nicholas Espinoza, is charged in the indictment with the crimes of unlawful possession of a firearm in a school zone, in violation of 18 U.S.C. § 922(1)(2)(A) (count 1) and prohibited person in possession of firearms

and ammunition, in violation of 18 U.S.C. § 922(g)(8) (count 2). Forfeiture pursuant to 18 U.S.C. § 924(d) is also alleged.

The defendant has filed a motion to enter guilty plea. See Doc. 28.

### **PLEA AGREEMENT**

There is a plea agreement. The defendant's plea to count 1 of the indictment, in the government's view, is the most favorable resolution for the defendant. *See Missouri v. Frye*, 566 U.S. 134 (2012). Two written plea agreements were offered.

At the time of sentencing, provided the defendant complies with the plea agreement and it is accepted by the Court, the United States will move to dismiss count 2 of the indictment.

### **ELEMENTS**

For the defendant to be found guilty of possession of a firearm in a school zone as charged in count 1 of the indictment, the United States must prove each of the following elements beyond a reasonable doubt:

- First, the defendant knowingly possessed a firearm;
- Second, the firearm moved in or otherwise affected interstate commerce, and
- Third, the possession occurred in a place that the defendant knew or had reasonable cause to believe was a school zone.

### **PENALTY**

The offense charged in count 1 of the indictment carries a maximum penalty of five years imprisonment, consecutive to any other count of conviction, a \$100,000 fine, three years of supervised release and a \$100 special assessment.

### **ANTICIPATED EVIDENCE**

If this case were tried in United States District Court, the United States would prove the following:

1. The Lewis and Clark County Sheriff's Office was contacted by the Jim Darcy Elementary School principal on February 7, 2024. The principal advised the responding deputy that she was notified by a staff member that the day prior the parent of a student was on campus and was carrying a firearm. The staff member originally observed a male, later identified as Bryant Espinoza, standing out in front of the school with a small dog. The staff member approached Espinoza to assist him, and the defendant informed her that he was there to pick up his daughter, who was a student at the school. At one point during their conversation the staff member observed Espinoza was carrying a firearm. The staff member was able to get the student's information to confirm he was a parent and went back inside the building.

2. The deputy showed the staff member a photo of Espinoza. She said the male in the photo was the same person she talked to in front of the school the day before, only he had shorter hair than the photo. The deputy watched surveillance video of the defendant at the school. While reviewing the video, the deputy observed Espinoza standing in front of the school, on school property, with a small dog. In the video the deputy observed the defendant turn and what appeared to be a pistol was in a holster on his left hip. A copy of the surveillance video from the school was obtained.

3. On February 9, 2024, agents from the ATF and Lewis and Clark County Sheriff's Office executed a federal search warrant at Espinoza's residence where a Hi-Point 9mm pistol, two rifles and ammunition were seized. Espinoza and his wife were interviewed after waiving their respective *Miranda* rights. An ATF agent informed the defendant that the investigation stemmed from him having a firearm at Jim Darcy School. Espinoza remembered the incident. The agent showed the defendant still photos taken from the surveillance video of Bryant in front of the school with the firearm, and the defendant identified the person in the photo as himself. The agent pointed out the item on the defendant's left hip and Espinoza said it looked like a firearm. The agent asked the defendant if he still had the pistol and he stated it was in the RV next to the bed. The agent asked Espinoza

if there was a reason he had the firearm at the school, and the defendant responded that Montana was an “open carry state.”

4. The ATF special agent confirmed that the Hi-Point 9mm pistol was manufactured in Ohio.

DATED this 14th day of February 2025.

JESSE A. LASLOVICH  
United States Attorney

/s/ Paulette L. Stewart  
Paulette L. Stewart  
Assistant United States Attorney